

Appl. No.10/627,464
Amdt. dated July 20, 2007
Reply to Office Action of March 20, 2007

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figures 1 and 2. This sheet, which includes Figures 1 and 2, replaces the original sheet including Figures 1 and 2.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

The Office Action mailed March 20, 2007 rejected claims 8-11, 13-21 and 23-29 under 35 U.S.C. § 112 and rejected claims 1-29 under 35 U.S.C. § 103(a). Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

A. Drawings

The Office Action objected to Figures 1, 2, and 4. Figures 1 and 2 have been amended to include a legend labeling them as “Prior Art.”

Figure 4 shows the initiation of a web communication session that includes a WFML application. Because Figure 4 illustrates an embodiment of the Applicant’s proposed solution to the problem being solved by the current invention, Applicant respectfully requests that this objection to Figure 4 be withdrawn.

B. Specification

The specification has been amended to address the Office Action’s objections. Specifically, as noted above, the Brief Description of the Drawings section has been amended to include a description of Figure 14. The disclosure has been amended such that the embedded hyperlink has been removed. Applicant respectfully requests that the objection to the Brief Description of the Drawings and the disclosure be withdrawn.

C. Claims 8-11, 13-21, and 23-29 Rejected Under 35 U.S.C. § 112, second paragraph

The Office Action rejected claims 8-11, 13-21, and 23-29 under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

Claims 8, 18, and 28 have been amended to address the Office Action’s objections. Applicant respectfully requests that the rejection of claims 8, 18, and 28 under 35 U.S.C. § 112, second paragraph be withdrawn. Applicant also respectfully requests that the rejection of the claims dependent from claims 8, 18, and 28 be withdrawn.

Claim 28 has been amended to provide sufficient antecedent basis for the claim limitation “the network communication session.” Specifically, the claim limitation “the network communication session” has been amended to recite “a network communication session.”

D. Claims 1, 2, 6, 12, and 22 Rejected Under 35 U.S.C. § 103(a)

The Office Action rejected claims 1, 2, 6, 12, and 22 under 35 U.S.C. § 103(a) based on "Remote scripting using a servlet" by Hatcher (hereinafter "Hatcher"), in view of U.S. Patent No. 6,714,219 to Lindhorst (hereinafter '219), in view of U.S. Patent No. 6,988,241 to Guttman et al. (hereinafter "Guttman"), in view of U.S. Patent No. 5,864,700 to Barton et al. (hereinafter Barton), in view of U.S. Patent No. 6,981,215 to Lindhorst (hereinafter '215'). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references “must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at **37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicant respectfully submits that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 1 recites “developing a network-based application.” Applicant respectfully submits that the cited references do not teach or suggest this claim element.

The Office Action asserts that this claim element is taught by Hatcher. Hatcher states: “The browser executes a JavaScript call to RSExecute (this resides in an included JavaScript framework provided by Microsoft Visual InterDev).” Hatcher, page 2. Hatcher thus discloses a JavaScript framework residing on the browser that includes a script called RSExecute. “The client-side JavaScript communicates with the applet.” Hatcher, page 1. However, a person of ordinary skill in the art would not interpret a JavaScript framework to be a “network-based application.” In particular, JavaScript would not be considered to be an “application” by one of ordinary skill in the art. Therefore, the JavaScript framework as disclosed by Hatcher does not teach or suggest “a network-based application.”

Furthermore, Hatcher does not teach or suggest “developing a network-based application,” as suggested by the Office Action. Hatcher states that “that JavaScript framework [is] provided by Microsoft Visual InterDev.” Because, as discussed above, the JavaScript framework is not a network-based application, it cannot reasonably be inferred that the reference to Microsoft Visual InterDev teaches or suggests “developing a network-based application.”

For the above reasons, Applicant respectfully submits that Hatcher does not teach or suggest “developing a network-based application.” The other cited references also do not teach or suggest this claim element.

Claim 1 further recites “creating a bootstrap process document that may be used to initiate the network-based application, which bootstrap process document is written in a computer language that can be interpreted by a client device.” Applicant respectfully submits that the cited references do not teach or suggest this claim element.

The Office Action asserts that this claim element is taught by Hatcher. Hatcher states: “The servlet below has been designed to support both MSRS and JSRS. This flexibility will be demonstrated by allowing the client to toggle between using either method. A single HTML page is created with both the MSRS pieces (JavaScript and applet) and the JSRS (a single external JavaScript) piece. Using the category/subcategory idea, the goal is to have a category selection which then determines which subcategory selections are available.” Hatcher, page 3.

Hatcher thus discloses a servlet written in HTML which allows the client to select between MSRS (Microsoft Remote Scripting) and JSRS (JavaScript Remote Scripting). Hatcher further states that “[t]he goal of both is the same: to invoke remote methods and return the results to the browser... This article provides a way for both of these methods to communicate with a Java servlet on the server side.” Hatcher, page 1.

The HTML servlet of Hatcher is not a “bootstrap process document ... used to initiate the network-based application,” as suggested by the Office Action. The HTML servlet of Hatcher allows the client to select a remote scripting method. Hatcher discloses a way for the remote scripting methods to “communicate with a Java servlet on the server side.” Hatcher, page 1. Hatcher does not teach or suggest that the HTML servlet is designed for or capable of “initiating the network-based application,” as recited in claim 1.

For the above reasons, Applicant respectfully submits that Hatcher does not teach or suggest “creating a bootstrap process document that may be used to initiate the network-based application, which bootstrap process document is written in a computer language that can be interpreted by a client device.” The other cited references also do not teach or suggest this claim element.

Claim 1 further recites “causing the bootstrap process document to execute on the client device and thereby load the network-based application on the client device.” Applicant respectfully submits that the cited references do not teach or suggest this claim element.

The Office Action asserts that this claim element is taught by Hatcher. As discussed above, Hatcher does not teach or suggest a bootstrap process document. Furthermore, the HTML servlet used by Hatcher does not execute on the client device. A person of ordinary skill in the art would not interpret a servlet as something that can execute on a client device. A servlet is a “small Java program that runs on a server.” Microsoft Computer Dictionary, 5th Edition, page 475. Therefore, Hatcher’s disclosure of an HTML servlet does not teach or suggest “causing the bootstrap document to execute on the client device,” as recited in claim 1.

Hatcher discloses an applet running on the client device. Hatcher, Figure 1. Hatcher does not teach or suggest using the Java applet “to execute on the client device and thereby load the

network-based application on the client device” as is suggested by the Office Action. Instead, “[t]he Java applet handles communications with the server... The communications are simply HTTP GET requests and responses.” Hatcher, Page 1. Because the Java applet disclosed by Hatcher does not “execute on the client device and thereby load the network-based application on the client device,” the Java applet is not the “bootstrap process document” that is recited in claim 1.

In addition, the Java applet used by Hatcher is not a “network-based application,” as recited in claim 1. Claim 1 recites “rendering the network-based application on the visual display of the client device.” As discussed above, the Java applet used by Hatcher “handles communications with the server.” Hatcher, page 1. In addition, the Java applet used by Hatcher is “invisible.” Hatcher, page 1. The Java applet of Hatcher is used for the purpose of handling communications with the server, and thus has no need to be “render[ed] ... on the visual display of the client device,” as recited in claim 1.

For the above reasons, Applicant respectfully submits that Hatcher does not teach or suggest “rendering the network-based application on the visual display of the client device” as suggested by the Office Action. The other cited references also do not teach or suggest this claim element.

In view of the foregoing, Applicant respectfully submits that claim 1 is patentably distinct from the cited references. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

The Office Action rejected Claims 2-7 under 35 U.S.C. § 103(a) based on Hatcher in view of 219, in view of Guttman, in view of Barton, in view of 215. This rejection is respectfully traversed. It is well settled that if an independent claim is patentable over the cited art, then all claims depending from the independent claim are similarly patentable. M.P.E.P. § 2143.03 (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious”). In this case claims 2-7 depend directly from claim 1. As noted above, claim 1 is patentable and nonobvious over Hatcher. Accordingly, as the independent claim is patentable over this reference, dependent claims 2-7 (which depend from independent claim 1) are similarly allowable. Favorable consideration and withdrawal of this rejection is respectfully requested.

Claim 8 as amended recites “developing a network-based application.” Applicant respectfully submits that the cited references do not teach or suggest this claim element.

The Office Action asserts that this claim element is taught by Hatcher. Hatcher recites: “The browser executes a JavaScript call to RSExecute (this resides in an included JavaScript framework provided by Microsoft Visual InterDev).” Hatcher, page 2.

Hatcher thus discloses a JavaScript framework residing on the browser that includes a script called RSExecute. “The client-side JavaScript communicates with the applet.” Hatcher, page 1. A person of ordinary skill in the art would not interpret a JavaScript framework to be a “network-based application.” In particular, JavaScript would not be considered to be an “application” by one of ordinary skill in the art. Therefore, the JavaScript framework as disclosed by Hatcher does not teach or suggest “a network-based application.”

Furthermore, Hatcher does not teach or suggest “developing a network-based application” as suggested by the Office Action. Hatcher states that “that JavaScript framework [is] provided by Microsoft Visual InterDev.” Because, as discussed above, the JavaScript framework is not a network-based application, it cannot reasonably be inferred that the reference to Microsoft Visual InterDev teaches or suggests “developing a network-based application.”

For the above reasons, Applicant respectfully submits that Hatcher does not teach or suggest “developing a network-based application.” The other cited references also do not teach or suggest this claim element.

In view of the foregoing, Applicant respectfully submits that claim 8 is patentably distinct from the cited references. Accordingly, Applicant respectfully requests that the rejection of claim 8 be withdrawn.

Claims 9-17 depend either directly or indirectly from claim 8. Accordingly, Applicant respectfully requests that the rejection of claims 9-17 be withdrawn for the same reasons as those presented in connection with claim 8 because the cited references do not teach or suggest all of the elements of claim 8.

Claim 18 as amended recites “storing a network-based application.” Applicant respectfully submits that the cited references do not teach or suggest this claim element.

The Office Action asserts that this claim element is taught by Hatcher. Hatcher recites “The browser executes a JavaScript call to RSExecute (this resides in an included JavaScript framework provided by Microsoft Visual InterDev).” Hatcher, page 2. Hatcher thus discloses a JavaScript framework residing on the browser that includes a script called RSExecute. “The client-side JavaScript communicates with the applet.” Hatcher, page 1. However, a person of ordinary skill in the art would not interpret a JavaScript framework to be a “network-based application.” In particular, JavaScript would not be considered to be an “application” by one of ordinary skill in the art. Therefore, the JavaScript framework as disclosed by Hatcher does not teach or suggest “a network-based application.”

For the above reasons, Applicant respectfully submits that Hatcher does not teach or suggest “storing a network-based application.” The other cited references also do not teach or suggest this claim element.

In view of the foregoing, Applicant respectfully submits that claim 18 is patentably distinct from the cited references. Accordingly, Applicant respectfully requests that the rejection of claim 18 be withdrawn.

Claims 19-27 depend either directly or indirectly from claim 18. Accordingly, Applicant respectfully requests that the rejection of claims 19-27 be withdrawn for the same reasons as those presented in connection with claim 18 because the cited references do not teach or suggest all of the elements of claim 18.

Claim 28 as amended recites “retrieving at least part of a network-based application.” Applicant respectfully submits that the cited references do not teach or suggest this claim element.

The Office Action asserts that this claim element is taught by Hatcher. Hatcher states: “The browser executes a JavaScript call to RSExecute (this resides in an included JavaScript framework provided by Microsoft Visual InterDev).” Hatcher, page 2.

Hatcher thus discloses a JavaScript framework residing on the browser that includes a script called RSExecute. “The client-side JavaScript communicates with the applet.” Hatcher, page 1. A person of ordinary skill in the art would not interpret a JavaScript framework to be a “network-based application.” In particular, JavaScript would not be considered to be an “application” by one of ordinary skill in the art. Therefore, the JavaScript framework as disclosed by Hatcher does not teach or suggest “a network-based application.”

For the above reasons, Applicant respectfully submits that Hatcher does not teach or suggest “retrieving at least part of a network-based application.” The other cited references also do not teach or suggest this claim element.

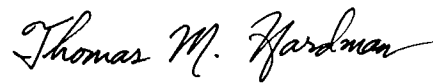
Claim 29 depends directly from claim 28. Accordingly, Applicant respectfully requests that the rejection of claim 28 be withdrawn for the same reasons as those presented in connection with claim 28 because Hatcher does not teach or suggest all of the elements of claim 28.

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E. Conclusion

Applicant respectfully asserts that all pending claims are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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